

Va. Administrative Dispute Resolution Council
(Minutes to seven VADRA meetings, commencing with most recent)

Minutes

October 6, 2004 Meeting
Richmond, Virginia

Present: Sandra D. Bowen, Secretary of Administration; Sheryl D. Bailey, Deputy Secretary of Administration; Al Bridger; Keith Bushey; Joe Damico; Raymond E. Davis; Claudia T. Farr; Kathy Fischer; James W. Fisher; John Gazzola; Charles Gray; Kelley Hellams; Gail Jaspen; Larry Jones; John Kirby; Carol Mitchell; Barbara Newlin; Paul Prissel; Mark Rubin; John Settle; Ernest Spratley; Brenda Weiss

Sandra Bowen called the meeting to order at approximately 10:00 a.m. Council Subcommittees and others gave the following reports:

Brief Updates on pending VADRA Pilots:

Board of Accountancy (Carol Mitchell): coaches have met with BOA's DR Coordinator, and plan to meet with its agency head next to discuss possibilities and provide guidance in developing ADR process for disputes between consumers and their CPAs.

Dept. of Mental Health, Mental Retardation & Substance Abuse Services (John Settle): coaches are working with agency DR Coordinator and facility personnel to identify workplace conflict management training needs.

Dept. of General Services (Joe Damico): DGS has drafted revisions to its Vendors Manual addressing the use of ADR in procurement/contract disputes, and will include specialized ADR training segments in its December 2004 procurement conference for vendors and state procurement personnel.

VITA (Kelley Hellams): VITA has rewritten its solicitation instructions to more fully incorporate ADR in its procurement process. VITA's contracts now include ADR provisions. The agency has also successfully participated in facilitated dialogs with vendors concerning solicitation-related matters.

Dept. of Forestry (Claudia Farr): Coaches Merri Hanson and Tanya Denckla have met with Forestry's Deputy Director to assist the agency in developing a pilot mediation program for its Water Quality Program.

Secretary Bowen indicated that a final report for the Governor on the VADRA Pilots will be needed no later than December 1, 2005, and in the interim, she will ask for quarterly reports from the pilots, to be submitted to Claudia Farr beginning October 20, 2004. (See attached October 6, 2004 Memorandum from Secretary Bowen to ADR Pilot Agency Representatives and Coaches.)

Annual Agency Survey and ADR Usage Levels (Larry Jones):

The Data Collection & Analysis Subcommittee developed a draft agency survey to follow up on the first survey sent out in late 2003. The second survey will be sent this fall to each agency Dispute Resolution Coordinator (with agency heads being filled in via the Leadership Communique). The fall 2004 survey will ask for more specific data (e.g., the numbers related to, not just range of, agency ADR usage; names and contact information for agency employees who are ADR practitioners). As before, agencies will be given at least one month to complete the survey. Agencies will also be advised in this survey that similar information will be asked after another 12 months or so.

Facilitating Access to Neutrals (Gail Jaspen and Carol Mitchell):

The Policy & Implementation Subcommittee co-chairs led a discussion on ways the Council could facilitate agency access to neutrals. The consensus was to start with identifying neutrals already serving in existing state agency ADR programs, and to provide them with additional training. It was suggested that forming a pool of these trained and experienced pro bono mediators would allow agencies to use ADR without expending additional funds. The Council could then later focus on providing information on the available private sector practitioners.

Training Plans/DGS Procurement Conference (John Settle and Barbara Newlin):

The Training Subcommittee met with DGS personnel to assist in the development of training sessions for DGS' December 2004 Procurement Conference. The Subcommittee is also prepared to develop training for pro bono neutrals identified within state agencies.

VADRA Web Site (Paul Prissel):

VITA's Steve Marzolf created three web site templates for the Council's consideration. Paul Prissel is coordinating the web site content. Once the Subcommittees have finalized plans for the resource surveys, neutrals, and training, they should advise Paul of what should be posted to the web site, and Paul will coordinate with Steve at VITA. Paul also asked that Council members send him any comments and preferences they may have regarding the templates. The consensus was that the web site's home should be on the Secretary of Administration's web site, as well as the Virginia Excels web site.

Sheryl Bailey suggested that the web site include a "primer" on the types and potential uses of ADR in state government, including an explanation of the term "neutral." Another suggestion was that the regulated business community should be alerted, possibly through the Virginia Chamber of Commerce, to the development of ADR usage with state government.

The meeting was adjourned at approximately 11:15 a.m.



COMMONWEALTH of VIRGINIA

Office of the Governor

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October 6, 2004

Memorandum

TO: ADR Pilot Agency Representatives And Coaches

FROM: Sandra D. Bowen

RE: Quarterly Updates

As you know, the Governor has ranked administrative dispute resolution among his top ten priorities for this fiscal year. I can also report that he is keenly interested in receiving periodic updates on the progress being made by your pilots. For that reason, I am requesting each pilot's agency representatives and coaches to send a brief quarterly update, beginning this October 20, to Claudia Farr via email at claudia.farr@edr.virginia.gov with the following basic information:

- Overall goal/expectation for pilot
- Activity and accomplishments during past quarter
- Any challenges encountered and strategies to address them
- Activities and milestones planned for future month(s)
- Approximate time spent by coaches during past quarter
- Any other comments you may wish to share

All four pilots should be completed by June, 2005. Subsequent quarterly updates are to be submitted by January 1 and April 1, with a final report submitted by June 30, 2005.

These quarterly updates will help us in many ways, including maintaining and tracking progress, identifying approaches that work well, distinguishing methods that are not as effective, and detecting snags early so that corrective action can be instituted to protect the pilot's success. We are also looking forward to your assistance in uncovering the important nuances of transitioning to collaborative problem-solving and positive change here in the Commonwealth.

As agency managers and volunteer coaches, your work is key to bringing efficiencies and cost savings to the taxpayer, as well as obtaining vital stakeholder input in preventing

problems and resolving critical issues. The innovation and dedication you each bring to these pilots are greatly valued, and I look forward to hearing from you on your progress.

c: Sheryl Bailey
Claudia Farr